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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,362

02/27/2002

Tetsuaki Suzuki

Q68702

9180

7590

07/12/2006

SUGHRUE, MION, ZINN, MACKPEAK & SEAS, PLLC  
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Washington, DC 20037-3213

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/083,362

Applicant(s)

SUZUKI ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (26 Jun 06).  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7, 15, 16, 18, 31, 33, 35, 38 and 41-48 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 5, 7, 15, 18, 31, 35, 41 and 42 is/are allowed.  
6) ☒ Claim(s) 6, 14, 16, 17, 33, 34, 38 and 43-48 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 Jun 06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 26 Jun 06 have been fully considered but they are not persuasive.

#### ***Applicant's Arguments***

Applicant states that Herman updates the correction amount of a color by detecting change of a scene shot based on the existence of the icon, and thus fails to teach or suggest updating the correction amount of quality of image, when a cut point indicative of changing in an image quality of the moving image.

#### ***Examiner's Response***

The examiner disagrees. The examiner has cited a reference which discloses what the examiner previously stated, that a scene change (i.e. cut point) which states that the detection of a video cut point is also called a scene change detection (see US 5,642,294, col 1, line 10-16). The examiner has also cited numerous references on the attached 892 which disclose that a “scene change” or “cut” (see US 6,496,228, col 10, line 25-46).

Thus regardless of the use of an icon in detecting a scene change (i.e. cut point) the detection of such icon or not determines the amount of adjustment, thus indicative of changing in image quality of the moving image.

As previously stated:

Herman discloses a system which corrects an image from scene shot (cut point) to scene shot (cut point) which corrects for the color differences from scene (cut point) to scene (cut point) (see Fig 4, col 1, line 27-35), where the correction amount varies according to the detected color scene/previous color correction data which varies accordingly. Therefore given the broadest reasonable interpretation of the invention, Herman discloses/anticipates, renders obvious the claims as stated below.

As stated by Herman (col 1, line 60 to col 2, line 32):

In one embodiment the color correction controller uses the first color correction factor to correct the first actual color data value in the first actual image in the stored first video frame.

In another embodiment, the color correction controller is capable of comparing a first true color data value associated with the first known icon and a first actual color data value associated with a first actual color in the first actual image of the first known icon and in response to the

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comparison, determining a first color correction factor associated with the first actual color data value.

In another embodiment, the color correction controller is capable of determining from the first color correction factor a second color correction factor associated with a third actual color data value.

In yet another embodiment, the color correction controller identifies in the stored first video frame a second unknown object having associated therewith a fourth actual color data value substantially equal to the third actual color data value and wherein the color correction controller uses the second color correction factor to correct the fourth actual color data value of the second unknown object in the stored first video frame.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 16, 33, 38 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Herman, US 6,674,898.

In considering claims 6, 16, 33, 38 and 43-48

*a) the claimed a correction amount...* is met by TV set 300 which receives incoming video signals which are stored in frame buffer 350 which are scanned and compared to known pixel data by color correction controller 360 via known Table 370 (Fig 3).

*b) the claimed image correcting means...* is met by color correction controller 360.

*c) the claimed image input means...* is met by TV set 300 which receiving the incoming images which are frame stored in frame buffer 350 (Fig 3).

*d) the claimed cut point detecting means...* is met where Herman discloses a system which corrects the color of the image from scene shot (cut point) to scene shot (cut point) by updating each frame individually.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 17 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Herman, US 6,674,898.

In considering claims 14, 17, 34

Herman does not explicitly recite a histogram. Herman discloses a system which utilizes known icons and true colors table in analyzing the received image data in accordance with known parameters in order to provide identical color information from scene to scene.

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The use of a histogram is a conventional table/chart known in the art in order to analyze the color information of an image, as disclosed by AAPA.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Herman, which discloses the correction/analysis of the received signals color information by using a true color table, by also utilizing a histogram to correct/analyze the color, since such a table/chart is conventional and readily available for such comparison/correction.

***Allowable Subject Matter***

5. Claims 5, 7, 15, 18, 31, 35, 41 and 42 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-



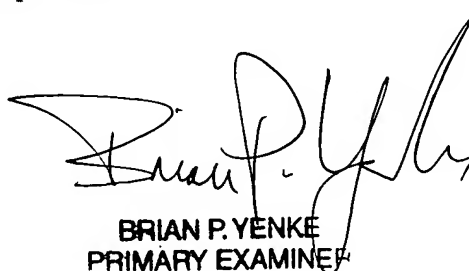
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grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y

06 July 2006



BRIAN P. YENKE  
PRIMARY EXAMINER